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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,265	03/28/2001	Wolfgang Fraas	P01,0047	6597
21171	7590	01/23/2006	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			HARPER, KEVIN C	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/806,265

Applicant(s)

FRAAS ET AL.

Examiner

Kevin C. Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments, filed November 31, 2005, with respect to the double patenting rejection have been fully considered and are persuasive. The double patenting rejection of claims 8-10 and 15 has been withdrawn.

Applicant's arguments, with respect to the rejection of claims 8-15 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Keshav in view of Jeon, Farris, Duault and Lo.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 8-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keshav et al. (US 5,623,605) in view of Jeon et al. (US 5,548,589), Farris et al. (US 6,721,306) and Duault et al. (US 5,930,265).

1. Regarding claims 8-9, 11-12 and 15, Keshav discloses a method of transmitting data between communication terminals (fig. 3, items 320-324) and a switching system (item 333) via a packet-oriented communications network (item 310). The method comprises setting up a data format formed of substructural elements (col. 5, lines 11-22) for the data transmission between the switching system (item 333) and the terminals (fig. 6), where the communications terminals are connected to the packet-oriented network via a gateway (item 100), transmitting the data to

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the gateway and inserting substructural elements into data packets by the gateway (fig. 4, item 425) and transmitting the data packets toward the switching system (fig. 4, item 11).

2. However, Keshav does not disclose that the gateway is a hub with subscriber interfaces for each of the communication terminals. Jeon discloses a hub (fig. 15, item 1501 or fig. 16, item 1601) having interfaces for communication terminals (item 1602). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a hub in the network of Keshav in order to provide a direct connection for user terminals (Jeon, col. 17, lines 50-55).

3. Further, Keshav in view of Jeon does not disclose that the switching system is connected to the packet-oriented network via an access unit. Farris discloses a switching system (fig. 2, item 5) having terminals (items 79 and 81) and an access unit (item 77) interfacing a packet-oriented network (item 349; col. 4, line 45). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have an access unit for the switching system of Keshav in view of Jeon in order to interconnect local switching systems (Farris, fig. 3, items 328 and 330; col. 4, lines 26-29).

4. Further, Keshav in view of Jeon and Farris does not disclose inserting substructural elements from different communication terminals into a common data packet. Duault discloses a substructural unit (ATM cell) that includes data from other users (fig. 5, SSCS trailer; note: CID 1, CID2, CIDn). Further regarding claim 11, the substructural subunit has a cell header (fig. 5, SSCS trailer) and channel identifier (CIDn) for association with a communication terminal, where the cell header has a length indicator (CID1, CID2, CIDn) specifying the number of payload segments in the substructural element. Further regarding claim 12, the substructural

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elements are according to AAL, which includes a standardized AAL-2 (col. 2, lines 12-18).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have data from several users in a data packet in the invention of Keshav in view of Jeon and Farris in order to efficiently transmit an ATM cell (Duault, col. 3, lines 57-62).

5. Regarding claim 10, in Keshav the data packets are IP data packets (fig. 4, item 310).

6. Regarding claim 13, in Keshav, the data packets are stored in an IP payload (fig. 7; col. 12, lines 43-50).

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keshav in view of Jeon, Farris, and Duault as applied to claim 13 above, and further in view of Lo et al. (US 6,324,178).

7. Regarding claim 14, Keshav in view of Jeon, Farris, and Duault does not disclose pointers in a data packet designating the start address of a substructural unit in a payload. Lo discloses a pointer for designating a start address of a substructural element (fig. 3A, item 332). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a pointer in a data packet in the invention of Keshav in view of Jeon, Farris, and Duault in order to properly decapsulate data cells of a data packet (Lo, col. 6, lines 43-54).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 571-272-3174. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see portal.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin C. Harper

January 22, 2006